

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

VS.

MICRON TECHNOLOGY, INC.; MICRON)
SEMICONDUCTOR PRODUCTS, INC.;)
MICRON TECHNOLOGY TEXAS LLC,)

Defendants.

Case No. 2:22-cv-203-JRG

JURY TRIAL DEMANDED

**DECLARATION OF MICHAEL R. RUECKHEIM IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFF NETLIST, INC.'S
OPPOSED MOTION TO COMPEL OR IN THE ALTERNATIVE AMEND
THE PROTECTIVE ORDER**

[REDACTED]

I, Michael R. Rueckheim, declare as follows:

1. I am an attorney at the law firm of Winston & Strawn LLP, counsel of record for Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Micron”) in the above captioned matter. I am a member in good standing of the State Bar of Texas. I provide this declaration in support of Micron’s Opposition to Netlist, Inc.’s (“Netlist”) Motion to Compel or, in the Alternative, Amend the Protective Order. I have personal knowledge of the facts stated herein and could and would testify competently thereto if called as a witness in this matter.

2. A true and correct copy of highlighted excerpts from [REDACTED]
[REDACTED] is attached as **Entry #1** in **Exhibit A**.

3. Netlist’s source code reviewer reviewed Micron’s source code at Micron’s facilities in Boise, Idaho from March 20, 2023 until March 24, 2023.

4. I understand that the Micron employee who provided assistance during Netlist’s inspection of Micron’s source code is not a lawyer, is not a member of Micron’s legal team, does not report to Micron’s legal team, and is not involved in the defense of this lawsuit.

5. I further understand that the Micron employee who provided assistance during Netlist’s inspection of Micron’s source code has not recorded the substance of Netlist’s source code inspections and has not communicated the substance of Netlist’s source code inspections to Micron’s in-house or outside counsel.

6. A true and correct copy of excerpts from March 20, 2023 correspondence from Micron’s counsel to Netlist’s counsel regarding inspection of Micron’s source code inspection is attached as **Entry #2** in **Exhibit A**.

[REDACTED]

7. A true and correct copy of excerpts from April 17, 2023 correspondence from Netlist's counsel to Micron's counsel is attached as **Entry #3 in Exhibit A**.

8. A true and correct copy of excerpts from April 20, 2023 correspondence from Micron's counsel to Netlist's counsel is attached as **Entry #4 in Exhibit A**.

9. A true and correct copy of highlighted excerpts from May 19, 2023 correspondence from Micron's counsel to Netlist's counsel is attached as **Entry #5 in Exhibit A**.

10. A true and correct copy of excerpts from May 22, 2023 correspondence from Netlist's counsel to Micron's counsel is attached as **Entry #6 in Exhibit A**.

11. A true and correct copy of excerpts from May 23, 2023 correspondence from Netlist's counsel to Micron's counsel is attached as **Entry #7 in Exhibit A**.

12. A true and correct copy of excerpts from May 24, 2023 correspondence from Netlist's counsel to Micron's counsel is attached as **Entry #8 in Exhibit A**.

13. A true and correct copy of excerpts from May 25, 2023 correspondence from Netlist's counsel to Micron's counsel is attached as **Entry #9 in Exhibit A**.

14. A true and correct copy of excerpts from May 26, 2023 correspondence from Micron's counsel to Netlist's counsel is attached as **Entry #10 in Exhibit A**.

15. Lead and local counsel for Micron and Netlist met and conferred telephonically on May 26, 2023. I attended the lead and local counsel meet and confer.

16. During the lead and local counsel meet and confer, I offered to try to contact [REDACTED] to facilitate Netlist's negotiations for the requisite license [REDACTED]. Netlist's counsel, however, responded that Netlist will file their motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.



Executed on June 6, 2023, in Redwood City, California.

By: /s/ Michael R. Rueckheim
Michael R. Rueckheim